

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

DIAGNOSTIC DEVICES AND APPARATUS FOR THE CONTROLLED MOVEMENT OF
REAGENTS WITHOUT MEMBRANES

(Attorney Docket No. 030691.0011)

the specification of which (check one)

 is attached hereto.

 X was filed on 07/10/2000 as United States Application Number or PCT International Application Number 09/613,650 and was amended on herewith (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number | Country | Foreign Filing Date | Priority Claimed? | Certified Copy Attached? |
|----------------------------------|---------|---------------------|-------------------|--------------------------|
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I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| U.S. Provisional Application Number | Filing Date |
|-------------------------------------|-------------|
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I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Application Number | Parent Filing Date | Parent Patent Number |
|--------------------------------|-------------------------------|--------------------|----------------------|
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I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER:

Atty. Dkt. No. 030891.0011

| | |
|------------------------|-----------------|
| WESLEY B. AMES | Reg. No. 40,893 |
| BERNARD L. KLEINKE | Reg. No. 22,123 |
| STEPHEN E. RETTER | Reg. No. 31,192 |
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| ARTHUR A. WELLMAN, JR. | Reg. No. 47,174 |
| MICHAEL A. WHITTAKER | Reg. No. 48,230 |
| BARRY S. WILSON | Reg. No. 38,431 |

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Richard J. Warburg
FOLEY & LARDNER
402 West Broadway
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I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|------------------------|--|
| Name of first inventor | Kenneth F. Buschler |
| Residence | San Diego, CA |
| Citizenship | US |
| Post Office Address | 12523 Manifesto place, San Diego, CA 92071 |
| Inventor's signature | <i>Kenneth F. Buschler</i> |
| Date | Jan 29, 2001 |



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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OCTOBER 16, 2003

PTAS

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UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BUECHLER, KENNETH F., PH.D.

DOC DATE: 10/10/2003

ASSIGNEE:

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SERIAL NUMBER: 09613650

FILING DATE: 07/11/2000

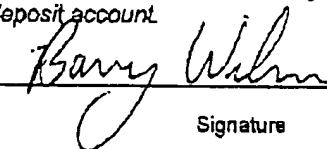
PATENT NUMBER:

ISSUE DATE:

PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

10/14/2003
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Atty. Dkt. No. 071949-1307

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| RECORDATION FORM COVER SHEET PATENTS ONLY | | | |
| To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copies thereof. | | | |
| 1. Name of conveying party(ies): Kenneth F. Buechler, Ph.D. | | 2. Name and address of receiving party(ies): Biosite Diagnostics, Inc. 11030 Roselle Street Suite D San Diego, CA 92121 | |
| Additional conveying party(ies) NO | | | |
| 3. Nature of conveyance: ASSIGNMENT Execution Date: October 10, 2003 | | Additional name(s) & address(es) attached? NO | |
| 4. Application number(s) or patent number(s): If this is being filed together with a new application, the execution date of the application is: | | | |
| A. Patent Application Number(s): 09/613,650 | | B. Patent Number(s): | |
| Additional numbers attached? NO | | | |
| 5. Name and address of party to whom correspondence concerning document should be mailed: Barry S. Wilson FOLEY & LARDNER P.O. Box 80278 San Diego, California 92138-0278 | | 6. Total number of applications/patents involved: 1 | |
| | | 7. Total fee (37 C.F.R. § 3.41): \$40.00 Check Enclosed <input checked="" type="checkbox"/> Charge to deposit account | |
| | | 8. Deposit account number: 50-0872 | |
| DO NOT USE THIS SPACE | | | |
| 9. Statement and signature: <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. The Commissioner is hereby authorized to charge any additional recordation fees which may be required in this matter to the above-identified deposit account.</i> | | | |
| Barry S. Wilson | |  | October 14, 2003 |
| Name of person signing | | Signature | Date |
| Total number of pages including cover sheet, attachments, and document: 3 | | | |

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